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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : MTD PRODUCTS INC  
FOR : A VARIABLE SPEED MECHANISM  
AND METHOD FOR CONTROLLING  
THE SPEED OF AN ASSOCIATED  
VEHICLE  
SERIAL NO. : 09/578,521  
FILED : May 24, 2000  
EXAMINER : T. Hannon  
ART UNIT : 3682  
LAST OFFICE ACTION : January 4, 2001  
ATTORNEY DOCKET NO. : 0267.0605

Akron, Ohio 44308-1136  
July 31, 2001

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CERTIFICATE OF MAILING

I hereby certify that this **SUPPLEMENTAL REISSUE APPLICATION DECLARATION**  
**BY THE ASSIGNEE** is being deposited with the United States Postal Service as first class mail  
in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231,  
on this 9 day of August, 2001.

By: Janet E. Sigler  
Janet E. Sigler

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**SUPPLEMENTAL REISSUE APPLICATION DECLARATION BY THE ASSIGNEE**

Commissioner of Patents  
and Trademarks  
Washington, DC 20231

**Reissue Application Declaration By the Assignee**

I hereby declare that:

My residence, post office address, and citizenship are stated below next to my name.  
I am authorized to act on behalf of the following company: **MTD Products Inc** and the title of my position with said company is: **Vice President of Research and Development**.

The entire title to the patent identified below is vested in said company, as shown in the Assignment document at Reel 8262, Frame 0966.

Name of Patentee(s): Michael Kamm

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Country of Citizenship:  
United States of America

**Patent Number:**  
5,803,847

**Date Patent Issued:**  
September 5, 1996

**Title of Invention: A VARIABLE SPEED MECHANISM AND METHOD FOR CONTROLLING THE SPEED OF AN ASSOCIATED VEHICLE**

I believe said patentee(s) to be the original, first and sole or joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: **A VARIABLE SPEED MECHANISM AND METHOD FOR CONTROLLING THE SPEED OF AN ASSOCIATED VEHICLE** the specification of which was filed on May 24, 2000 as reissue application number 09/578,521 and was amended on December 15, 2000 and June 26, 2001.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

**Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application arose without any deceptive intention on the part of the applicant.**

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.  
☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.  
☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

Independent claim 1 has been amended in light of U.S. Patent No. 4,117,652 to Jones et al. The '652 patent discloses a belt-driven transmission that is driven through a pulley on the engine drive shaft and a pulley on the transmission connected by a belt. A speed change lever is rotated about the input shaft and includes numerous sloping cam surfaces.

It is believed that the issued claims in Patent No. 5,803,847 are broader than the patentee has a right to in view of the '652 patent. Claim 1, as issued, recites a lawn mowing apparatus having a variable pitch pulley assembly and a control arm assembly operably connected to the variable pitch pulley assembly. Claim 1, as amended, recites that the variable pitch pulley assembly includes "first and second pulley halves being positioned between said rotating means and said cutting blade, said first and second pulley halves receiving said shaft, the second pulley half being selectively moveable along the length of said shaft;..."

Claim 1, as amended, further recites "a control arm assembly for controlling the position of said second pulley half...said control arm assembly having a control arm positioned between said second pulley half and said cutting blade,...said second end of said control arm being pivotably connected to said body;..."

**There has been no deceptive intent in any paper filed in this application from the time of filing of the original patent application.**

I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**Name(s)**  
Roger D. Emerson

**Registration Number**  
33,169

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed: Hartmut Kaesgen

Date: 08/06/01

**Hartmut Kaesgen**

**Vice President of Research and Development**

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